



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,492	02/01/2000	Charles Albin Hanson	UN16-B157/04M1093	4935

34225 7590 06/22/2004

UNISYS CORP.
25725 JERONIMO ROAD, MS400
MISSION VIEJO, CA 92691

EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 06/22/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/495,492

Applicant(s)

HANSON ET AL.

Examiner

Greta L. Robinson

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in the reply filed on April 8, 2004 is acknowledged. The traversal is on the ground(s) that the inventions are related and they do not have different modes of operation or functions. This is not found persuasive because Group II *is the only Group that requires an agent/messenger*, also this Group *is concerned with enabling the device to access data at one or more remote sites* through the implementation of a graphical user interface and an agent/messenger. Applicant argues that the embodiment of claim 1 *may or may not* include an agent/messenger. The Examiner respectfully disagrees with Applicant, because claim 1 does not recite the limitation of an "*agent/messenger*". Claim 1 is concerned with executing method steps on a special device and user selection of a data object category to generate a second graphical interface display. Note claim 1 does not require an agent/messenger. Group III requires the execution of a sequence of transactions be *made via a visual point and touch interaction with said screen*, this criteria is not found in the other groups. Group I requires a different function and/or mode than the other groups, note the generation of a second graphical interface is not required in other groups, Group II requires an agent/messenger, while Group III requires that the interface be a visual point and touch interaction with said screen in order to execute a function. Each group is distinct as shown by the different modes of operation and has acquired a separate status in the art as shown by the separate classifications.

The requirement is still deemed proper and is therefore made FINAL.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12 and 25, drawn to a method of executing methods on data objects distributed across a plurality of nodes of a system from a special device, classified in class 707, subclass 10.
- II. Claims 13-22, 27 and 28, drawn to an agent/messenger enabling a device to access data at a remote site, classified in class 709, subclass 202.
- III. Claims 23, 24 and 26, drawn to means for executing a sequence of transactions via a point and touch interaction, classified in class 345, subclass 700.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions Groups I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are classified separately.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I and II is not required for Group III, restriction for examination purposes as indicated is proper.

4. This application contains claims 13-24 and 26-28 (note modification, there is no claim 29) drawn to an invention nonelected with traverse in the reply filed on April 8, 2004. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3-12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Boor et al. US Patent 6,470,381 B2 in view of Walters et al. US Patent 6,690,390 B1.

Regarding claim 1, **De Boor et al.** teaches a method for executing methods upon data objects distributed across a plurality of nodes of a system from a special device comprising the steps of :

providing a first graphical interface display on said special device permitting user selection of a data object category, selection of such category resulting in display of a list of data objects available on the system [note: wireless communications device 100, screen display 136, executing a conventional real time operating system 122, MMI 102, column 8 lines 30-60; also note column 1 lines 32-59];

responding to selection of a first of the data objects present in said list to generate a second graphical interface display on said special device of at least a portion of the contents of said first of the data objects together with a display of a plurality of selectable methods, each of said methods executable on said first data object [note: column 2 lines 26-49; column 4 lines 10-46; column 9 line 38 through column 10 line 44; column 11 lines 50-52 "protocol handler 112 may return the results of that command, causing a different screen to display"]; and

responding to selection of one of said methods to execute that method upon the first data object and to display a first result of such execution on said special device [note protocol handlers column 11 line 58 through column 12 line 40; abstract].

Although De Boor et al. teaches the invention substantially as cited above, they do not explicitly teach a user selectable data object. Walters teaches user selectable elements directly from an on-line help window [abstract; figure 2 column 2 lines 39-67; column 5 lines 3-10]. It would have been obvious to one of ordinary skill at the time of

Art Unit: 2177

the invention to have combined Walters et al. with De Boors et al. because Walters et al. shows how software programs may be implemented using ActiveX controls on a special device such as a cell phone or PDA and execute methods like a computer system. Walter et al. teaches that a computer system can take on various forms [note column 4 lines 14-35].

7. Regarding claims 3-12, wherein a second method is executed on said first result to produce a second result ... comprises a transaction ...update ... [note: abstract; figures 2-4; column 10 lines 5-33; also note Walters column 4 lines 22-44].

8. The limitations of apparatus claim 25 parallels method claim 1; therefore it is rejected under the same rationale.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Boor et al. US Patent 6,470,381 B2 in view of Walters et al. US Patent 6,690,390 B1 and Gershman et al. US patent 6,356,905 B1.

Although De Boor et al. and Walters et al. teach the invention substantially as applied to claim 1, regarding claim 2 they do not specifically disclose a point and touch operation executed on the graphical interface. Gershman et al. teaches an interactive hand held device with a touch screen [see : column 2 lines 64-67 ; column 4 lines 28-29 ; column 44 lines 25-29]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because Gershman et al.

further shows the flexibility of the interface of hand-held wireless devices (special devices).

Response to Arguments

10. Applicant's arguments with respect to claims 1-12 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Helgeson et al. US Patent 6,643,652 B2

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2177

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
June 14, 2004